

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 12,712

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her transitional child care benefits. The issue is whether those benefits can continue beyond twelve consecutive months.

FINDINGS OF FACT

The facts are not in dispute. The petitioner went off ANFC at the end of March, 1993, because her earnings from employment were in excess of the program maximum. However, as of April 1, 1993, the petitioner was found eligible for and began receiving "transitional child care assistance" from the Department so that she could hire a baby-sitter while she was at work. The petitioner has continued working and has continued to receive child care assistance payments from the Department every month since that time.

On March 16, 1994, the Department notified the petitioner that her one year of eligibility for transitional child care assistance would end at the end of March, 1994. The petitioner appealed this decision because she feels she

was not given enough time to make other child care arrangements.<sup>(1)</sup>

ORDER

The Department's decision is affirmed.

REASONS

The "basic eligibility criteria" regulations governing the Department's transitional child care assistance program clearly provide that a household's eligibility for such assistance is limited to "the twelve month period which immediately follows their becoming ineligible for an ANFC grant". W.A.M. § 2350. The

petitioner admits she has received her twelve month limit of such assistance. However, although she understood this limitation from the outset, she lost track of when her benefits would terminate, and claims that the fifteen day notice of closure provided by the Department was insufficient to allow her to make alternative plans.

However unprepared the petitioner was for the closure of these benefits, the Department's notice to her was well within the ten day minimum set by the regulations for such notices. W.A.M. § 2228. At the hearing in this matter the Department indicated that it was willing to consider a longer advance notice period in such cases; but it must be concluded that its action in this case was clearly within the regulations as presently written. Therefore, the board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. The petitioner was advised of and is aware of her potential eligibility for a child care subsidy through SRS. However, her present baby-sitter is not currently "registered" with SRS.